

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:	*	CASE NUMBER: 05-05091 ESL
	*	
HERNAN OCASIO RAMOS		
LUZ D. DIAZ PAGAN	*	
Debtor(s)	*	CHAPTER 13
	*	

MOTION SUBMITTING EXPERT REPORT

TO THE HONORABLE COURT:

COMES now Debtor(s) represented by the undersigned counsel and respectfully Allege(s) and Pray(s) as follows:

1. On Friday July 20th, 2007 we have provided plaintiff's with the expert report prepared by Victor J. Llado, MD, F.A.P.A., of case in which he has participated as expert, were delivered to co-defendant Francisco Fernandez Chiquis, via fax and co-defendant PRAMCO via e-mail.

2. On this same date we notify all parties have been notified with the same documents.

WHEREFORE, it is respectfully requested from this Honorable Court accept the present motion.

In San Juan, Puerto Rico, this 24th of July, 2007.

I HEREBY CERTIFY: That I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Chapter 13 Trustee

Alejandro Oliveras Rivera, Esq., US Trustee **Monsita Lecaroz Arribas, Charles P. Gilmore, Esq.** attorney for co-defendant PRAMCO II, LLC and to the attorney for First Bank de Puerto Rico **Wanda I. Luna Martinez** and I hereby certify that I have mailed by regular mail to co-defendant Francisco Fernandez Chiquis, Esq..

RESPECTFULLY SUBMITTED.

/s/ Marilyn Valdes Ortega
MARILYN VALDES ORTEGA
USDC PR 214711
P.O. Box 19559
San Juan, PR 00919-5596
Tel. (787) 758-4400
Fax. (787) 763-0144
E-mail valdeslaw@prtc.net

Victor J. Lladó, M.D., F.A.P.A.

FORENSIC AND OCCUPATIONAL PSYCHIATRIC SERVICES

374 Lamar Street, Hato Rey, PR 00918

Telephone: 787-759-7948 ♦ 787-764-0842 ♦ 787-764-3307 ♦ Fax: 787-759-9645

E-mail: vjllado@prtc.net

FORENSIC PSYCHIATRIC EVALUATION REPORT

Cautionary Notes

1. *The plaintiffs were advised beforehand that the procedure was limited to a forensic psychiatric evaluation, that no treatment would be offered, and that no absolute confidentiality was possible due to the fact that this was a court case and that the information provided during the sessions would be available in a report to the court.*
2. *This report was prepared with the records available at this time. Should there be other records available in the future or reports by other experts, then we shall review those. We reserve the right to amend our opinions at that time, if appropriate.*

I. IDENTIFICATION OF PLAINTIFFS AND PROCEDURE

Names : Hernán Ocasio Ramos, Luz Delia Díaz

Ages : 48 years – Hernán Ocasio
48 years – Luz Delia Díaz

Address : Barrio Duque
Buzón 2056
Naguabo, PR 00718

Referred by : Att. Marilyn Valdes Ortega, for forensic
psychiatric evaluation of damages in
connection with the case against Pramco et
als, Civil Num. 2005-05091 (ESL).

Other Sources of Information : 1. Complaint on the present case.
2. Psychiatric treatment records with
Dr. Cesar Reyes, for both plaintiffs.
3. Treatment records from Dr. María Ríos
Alonso.
4. Medical certificate by Dr. Angela
Alonso who is an internist treating Hernán
Ocasio for hypertension dated 5/4/07.

Dates of Evaluation Interviews : April 24, 2007 and May 8, 2007 – Hernán
and Luz Delia together and individually.

Date of this Report : July 3, 2007

II. SUMMARY OF PAST HISTORY AND CURRENT SITUATION

The couple filed for bankruptcy in 2005, and early 2006 began to experience a pattern of harassment and persecution by one of the creditors, and defendant on this case Pramco. According to the couple, these patterns of persecution and harassment involving collection activities by the defendant, has contributed to induce or aggravate emotional symptoms for both of them, for which they have been in treatment with psychiatrist doctor Cesar Reyes.

Mrs. Díaz has been disabled since 1995 and has been receiving Social Security Disability Assistance. She suffered a worked related accident and developed a chronic severe bronchial asthma type of condition. The plaintiff also developed a psychiatric condition in 1994, as a result of the work related accident, for which she was treated by doctor Heriberto Lourido in Humacao, and the treatment included partial hospitalization reclusion with Instituto Psicodinámico. The plaintiff was also treated by psychiatrist doctor Pérez Cortés in Humacao for several years.

Accordingly the plaintiff, she is treated by psychiatrist doctor Cesar Reyes, who has seen her approximately for two years, initially on a monthly basis and later every two months.

Concerning the medical history, Mrs. Díaz also complained of a neck pain condition, and of hurting her left leg upon falling 2006 at Banco Popular. She has been treated by neurologists doctor Colón Lucca, and a physiatrist for the lower extremity problem, doctor Francisco Romero. Mrs. Díaz also complained of gastrointestinal reflux for which she is treated with the medication Nexium, by doctor Astasio.

From the records reviewed of doctor Reyes, one can find that Mrs. Díaz has been suffering from a mixed anxiety and depressive condition, characterized by the symptoms of loss of libido, insomnia, and overall sense of weakness and despondency. The medication treatment has included antidepressant Paxil 12.5 mg. and Xanax 0.5 mg, and antidepressant Trazadone 50 mg.

Mrs. Díaz in tears narrated how she suffered very hostile and intense incidents in connection with activities by the defendant. She recalls the one time when they came to her house talking loudly against her, during day time hours. She also recalls about repeated letters and phone calls, which were quite distressing.

During a certain fragment of the first meeting in recalling this pattern of harassment by the defendant she stated the following: *"Everything went out of my mind; they would ask that we deliver everything; the furniture etc. (cries)"*.

During another fragment of the first meeting Mrs. Díaz explained how this pattern of harassment by the defendant affected her emotionally in terms of her already existing psychiatric condition: *"It exaggerated it; I felt more stable emotionally; but then I went into a crisis; everything came tumbling down"*.

Mr. Ocasio explained that he began psychiatric treatment with doctor Cesar Reyes after the actions on this case began. Other than the emotional symptoms precipitated by the events of this case, Mr. Ocasio has no prior history of psychiatric conditions or treatment. He did mention the

one time that he went to see a psychologist through the EAP at work, in obtaining some brief help for a couple of times, to help him with his drinking problems years ago.

During his first evaluation visit Mr. Ocasio in deep anguish and crying explained the following about the impact of the pattern of harassment by the defendant on this case: *"It has changed my life...my thoughts are not the best ones...I have abandoned everything (cries); I am thinking all the time...I can't sleep...at work I cannot focus; the evaluations at work have deteriorated; I failed to adequately document my functions or activities according to my supervisor Luis Santiago"*.

From the review of doctor Cesar Reyes records one finds symptoms of increased stress and anxiety, and that he was treated with antidepressant Trazadone 50 mg. At this time Mr. Ocasio indicated that his medication treatment was increased by doctor Reyes to 100 mg. (the antidepressant), but he claims that this is still not effective. During another passage of the first interview Mr. Ocasio stated the following about his symptoms: *"I spend much more time thinking about those things than about the positive or good things; this came to destabilize my life; when she came home we ask her to come in and talk to us (cries) I am a good neighbor and citizen...everything has been heard...(tearful); I saw neighbors looking at us...she would not lower her voice (cries); I would like to be like I used to be; the relationship with my wife...my family suffers...It is not within me...I hide...(cries); I don't know what's going to become of them; you know I have a son with me and he's wife and they notice what's happening. My son tells me (cries) they know what's going on...I don't know how they see me; I don't want them to see me like this or that they suffer...I think about killing myself; so far God is helping me"*.

Mr. Ocasio also explains that he used to be interested in sports including horses ("paso fino") something he used to do with his son, but that he no longer feels motivated to do these leisure activities. Concerning the medical history Mr. Ocasio explained that he suffers from hypertension, something he relates was discovered after the events of this case. Mr. Ocasio blames the development of his hypertension on the stress overload he has been suffering.

Mr. Ocasio also goes for treatment for gastrointestinal discomfort, and has a problem with his left knee, and he underwent surgery for this five years ago.

During the second visit Mr. Ocasio explained that his relationship with his wife and family, has been deteriorating a great deal after he became so anxious and depressed as a result of the events of this case. In narrating this he indicated the following: *"The intimate relationship; The relationship has diminished in frequency and I don't have the same motivation or energy; I'm not the same; I don't have the same desire; the bad thing about it is that I feel indifferent now to that; I feel as if I would have some kind of terminal illness; I feel like a ghost; you know those bad thoughts invading me about the bankruptcy and what happened (cries); I need to withdraw; like going away somewhere; those bad thoughts upset me; hammering the same topics"*. Mr. Ocasio explained that he went to the emergency room at Ryder Hospital in Humacao two or three weeks ago because he had some kind of an acute crisis kind of reaction, apparently as a result of a rise in his high blood pressure.

Concerning his insomnia he hasn't been able to control that. During this segment of the meeting he tearfully stated the following: *"What I want is emotional stability; I forget things; I'm afraid to fail at work; my wife you know she becomes very agitated; she tells me that I'm the one who agitates her"*.

During the second visit Mrs. Díaz in explaining her emotional state indicated the following: *"...bad thoughts against my family and to take away my life; you know this is how I felt when this whole thing occurred; God is my sustenance and refuge...I thought everything was going to be taken away from me...this has been a harsh trouble. I thought about terminating everything before"*. Concerning her husband Mrs. Díaz indicated that he is very anxious that the intimate relationship has been deteriorated and that he continues to be very depressed.

The couple has found it necessary to interrupted treatment with doctor Reyes for financial reasons, and they are trying to make other arrangement in order to obtain treatment, perhaps through Mr. Ocasio's work.

III. SUMMARY OF MENTAL STATUS

Hernán Ocasio:

Mr. Ocasio appeared well developed and nourished from the physical point of view, and in an apparent fair state of hygiene.

The plaintiff was alert, well oriented as to time, place and person.

Mr. Ocasio was terribly anxious and depressed during the meetings, frequently crying and necessitating taking time to regain his composure.

He appeared out of control intermittently, and was evidently suffering from acute symptoms.

He had fair insight and appeared to be functioning within the normal range of intelligence.

There were no deficits in his cognitive capacities, but due to the affective flooding and excessive rumination, he did have some difficulty at times in concentrating, and stated that this was a big problem at work.

There were no psychotic symptoms, such as thinking or perceptual disturbances.

He appeared very ruminative and obsessive about what happened to them on this case concerning the pattern of persecution and harassment by the defendant. He also harbors negative thoughts that come to haunt him, which make him very angry and depressed.

He has had suicidal ideation in the past intermittently, and even though at this point he does not harbor that type of ideation, this could come back, therefore intensive psychiatric treatment is essential.

Luz Delia Díaz:

Mrs. Díaz was well developed and nourished from the physical point of view, and she appeared in a fair state of hygiene.

Mrs. Díaz was alert, and well oriented as to time, place and person.

Mrs. Díaz appeared very anxious and depressed during the meetings. She was frequently crying and complaining about her poor emotional state.

Mrs. Díaz presented mild to moderate psychomotor retardation, both of in terms of her slowed down movements and also in terms of her voice.

She did not present any psychotic symptoms such as thinking or perceptual disturbances.

Her insight was limited and she appeared to be functioning within the normal range of intelligence.

Mrs. Díaz did not present any frank cognitive deficiencies, and her overall judgment was intact.

IV. DIAGNOSTIC IMPRESSIONS (DSM-IV-TR is utilized primarily as a reference guide to facilitate inter-professional communication. All conclusions or opinions are not necessarily exclusively based on this reference guide).

Hernán Ocasio:

Axis I.

1. Mixed anxiety and depressive disorder; within the boundaries of an NOS type of condition; acute and severe.

Axis II.

Nothing to report.

Axis III.

1. Hypertension allegedly precipitated by his stress overload.
2. History of surgery for the left knee meniscus five years ago.
3. History of gastrointestinal symptoms for which he takes Prevacor.

Axis IV.

1. Anxiety for his deteriorating performance at work due to his emotional symptoms that are out of control.
2. Anxiety and depression due to his intimate relation problems with his wife.

Axis V.

GAF Score 50.

Luz Delia Díaz:

Axis I.

1. Depressive disorder; chronic; aggravated by events on this case.

Axis II.

Nothing to report.

Axis III.

1. History of chronic painful neck, back and lower extremities conditions; secondary to different accidents; status unknown.
2. History of chronic bronchial asthma; work related; under treatment.
3. History of gastrointestinal reflux treated with medications.

Axis IV.

1. Anxiety over husband's deteriorating emotional condition.
2. Anxiety over the tense family situation that is also affecting her son.

Axis V.

GAF Score 55.

V. FORENSIC PSYCHIATRIC CONCLUSIONS

1. The adverse events of this case have contributed to precipitate or aggravate emotional conditions on both plaintiffs, as explained here below. Mrs. Díaz has a history of a chronic major depressive disorder which began around 1995, as a result of the complications of a work related accident which had precipitated other physical conditions, including bronchial asthma. Mrs. Díaz has been treated psychiatrically in the past since 1995, but found her emotional condition reactivated, aggravated, and distended, by the events of this case. During the aggravation of her emotional condition she was under treatment with psychiatrist doctor Cesar Reyes, who is still her treating psychiatrist.

2. Mr. Ocasio has no prior history of a psychiatric condition or of a psychiatric treatment. However, as a result of the events of this case he was thrown into a state of stress overload, which in turn precipitated the development of a significant mixed anxiety and depressive disorder. His condition is acute and severe, and is profoundly affecting his performance at work and his evaluations are progressively deteriorating.

His emotional condition is also affecting his intimate relationship with his wife, and other interpersonal relationships with his son and others in the family.

Mr. Ocasio also claims the development of hypertension after the incidents on this case, again something he relates to his state of stress overload. As a matter of fact he went to the emergency room of Ryder Hospital in Humacao with a hypertensive acute crisis a few weeks ago. Medically speaking, stress overload does often times precipitate or aggravate hypertension.

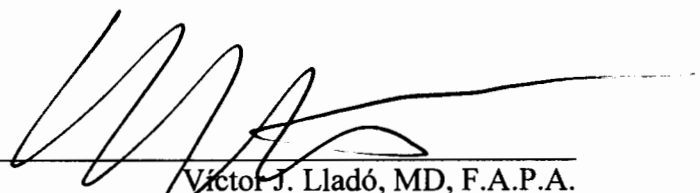
3. Both Mr. Ocasio and Mrs. Díaz require intensive psychiatric outpatient treatment. This treatment should be at least once a month. Therefore, they need to continue under psychiatric treatment, the nature and approximate cost of which can be best outlined as follows: (a one year minimum model scenario is presented for actuarial purposes and not necessarily to imply that this should be the total duration of the treatment to be required).

Hernán Ocasio:

- a. **\$1,800.00** for the cost of psychiatric treatment visits, once a month at a rate of \$150.00 per visit.
- b. **\$9,125.00** for antidepressant medication treatment; a rate of \$25.00 per day.

Luz Delia Díaz:

- a. **\$1,800.00** for the cost of psychiatric treatment visits, once a month at a rate of \$150.00 per visit.
- b. **\$9,125.00** for antidepressant medication treatment; a rate of \$25.00 per day.



Víctor J. Lladó, MD, F.A.P.A.
Occupational and Forensic Psychiatrist